

Japanese Patent Application No. 5-259804. These rejections are respectfully traversed.

First, it appears that the Examiner is basing his rejection of the claims on the final product, (i.e. acoustical wave device). This is improper since the claims recite the intermediate product which is the wafer, or a plurality of chips formed from a common wafer. For example, claim 42 recites a wafer having a plurality of acoustical wave devices formed thereon and exhibiting common operational characteristics and claim 45 recites a plurality of acoustical wave device chips formed from a common wafer. Thus, the claims may not be properly read to cover a single final product as asserted by the Examiner.

In a proper examination in which the wafer is used as the basis of patentability, it is clear that none of the cited references disclose the claimed invention. Each of the cited references disclose a resignating device and the formation of a single device on a wafer. It is, however, not the formation of a single device on a wafer that applicants are claiming. Embodiments of applicant's invention provide for a plurality of acoustical wave devices being formed on a single wafer. The plurality of devices are not created the same. Each one of the devices is created based on the placement of the device on the wafer. Different characteristics of the device are changed due to the fact that

the piezoelectric material varies across the wafer thus the changing of the characteristics allows the devices to have the same operational characteristics. Thus, it is not the individual devices that are claimed, but the wafer and the many devices formed thereon or a plurality of chips formed from a common wafer in the manner above.

Thus, neither Krishnaswamy, Curran, Vale or Japanese Application No. 5-259804 disclose, *inter alia*, the formation of a plurality of acoustical wave devices on a wafer wherein at least one of the components of the plurality of acoustical wave devices is modified in its operational characteristic to compensate for the variation in the at least one characteristic of the piezoelectric thin film and is based on the location of the at least one acoustical wave devices at the wafer, as recited in claims 42 and 45. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Also, in respect to the Examiners citation of multiple references, the Examiner is correct that the citation of multiple references is not prohibited in by the M.P.E.P, but merely suggestive. The practice of applying multiple 102 rejections, however, is not favored upon and the duplicate rejections should be eliminated to reduce the issues to be considered by the Board of Appeals in any subsequent appeal. Thus, the Examiner should apply what is believed to be the best reference in a single rejection.

**CONCLUSION**

For at least these reasons, it is respectfully submitted that claims 2-14 and 42-46 are distinguishable over the cited references. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is necessary in order to place the application in condition for allowance, the Examiner is invited to contact the applicant's representative the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH STEWART KOLASCH & BIRCH, LLP

By 

Michael K. Mutter  
Registration No. 29,680

CM  
MKM:CJB/cb

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000